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COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 27 January 1992, at 10 a.m.

Temporary Chairman: Mr. BERNALES BALLESTEROS (Peru)

Chairman: Mr. SOLT (Hungary)

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The meeting was called to order at 11.15 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRMAN declared open the forty-eighth session of the Commission on Human Rights.

2. The year 1991 had seen some changes of fundamental importance in the world. The cold war had ended, and the world was no longer divided into two antagonistic ideological systems. Chances for international cooperation had grown considerably, and the concept of human rights was increasingly regarded as the basis for democracy, freedom and well-being. A political consensus had emerged for dealing with international issues, giving rise to a sense of optimism that the tension and conflicts persisting in various parts of the world could gradually be overcome.

3. Among the positive developments over the past year, he noted the signing of the Lisbon agreements, putting an end to a long and cruel armed conflict in Angola, and the New York Agreement and the peace agreement on El Salvador, terminating 12 years of war and constituting the second successful action by the United Nations in Central America. The restoration of peace in Kuwait and the launching of a peace process in the Middle East were also grounds for satisfaction. Major progress had been made in 1991 towards attaining peace, which was a prerequisite for the respect of human rights. Certain issues that had polarized the debates had been eliminated, such as the unfair equation of zionism with racism.

4. At the same time, however, nationalism, racism and xenophobia, the old demons of the past, were stirring and had begun peddling their empty panaceas for economic problems. Democracies must solve their problems without resorting to discrimination or intolerance. The attainment of peace and respect for freedom, democracy and human rights required constant vigilance.

5. The international community must face the challenges of the future in an imaginative and pragmatic way. It must take a closer look at such shibboleths as sovereignty and non-interference, and it must combat not only external aggression, but also such worldwide phenomena as epidemics, drug trafficking, mercenary activities, terrorism and environmental pollution. To that end, States must find new forms of cooperation, and in that context, he welcomed specifically the holding of a first preparatory meeting for the World Conference on Human Rights in 1993 which, he was confident, would make a major contribution to advancing the cause of human rights.

6. The international community must work to universalize respect for human rights. In that connection, he supported the suggestion made by the former Secretary-General of the United Nations, Mr. Pérez de Cuéllar, that the Universal Declaration of Human Rights be given a mandatory character.

7. Human rights must not be limited to political and civil freedoms, but must also include and be complemented by economic, social and cultural rights. In that way, the foundations could be laid for a new international order in which respect for such rights played a determining role.

Human rights were indivisible and interdependent. No category of human rights should be realized at the expense of another: they must all be protected simultaneously and with equal dedication.

8. For years, the international community had been fixated on civil and political rights; it was essential, however, to pay equal attention to the right to work and to form trade unions, the right to social security, the right to freedom from hunger, the right to education and the right to physical and mental health. That was particularly important at a time when, owing to inflexible economic adjustment policies, budgetary allocations for social needs had been reduced and thousands had lost their employment, thereby making it impossible for States to honour their commitments under the International Covenant on Economic, Social and Cultural Rights. The burden of such policies placed the more traditional functions of the State, i.e. internal security and order, under stress, creating a climate conducive to the violation of civil and political rights and the spread of extreme poverty, the starting-point for political violence and terrorism.

9. It was not enough for human rights to be an external attitude imposed by law. The international community must strive to create a true culture of human rights, a way of life based on deep conviction.

10. Freed of the ideological burden of the past, the Commission would be able to promote human rights in such a way that no State or individual could ignore the control mechanisms that already existed. That meant that no State was entitled to take offence if its human rights record was examined, as long as it scrupulously respected the International Covenants and the mechanisms established by the Commission. It also signified that paternalism was out of order. Human rights must not be used as instruments of political power. Likewise, ethnocentric attitudes were inappropriate for evaluating human rights situations in different parts of the world, and a more global approach should be adopted taking greater account of the historical, political, economic and social context of the country under examination.

11. It was essential to reassess the idea that international relations must focus on States alone, because individuals, groups and societies acted independently of State borders, and it was often non-State entities that originated massive and systematic human rights violations. The Universal Declaration of Human Rights stipulated that not only Governments, but also individuals were bound by its provisions, and that covered civilians, soldiers, guerrillas, government officials, private businessmen and terrorists alike.

12. In a brief allusion to Latin America, he noted that that continent, which had known much violence in the past, must find a way of reconciling political democracy and social justice. It was a welcome development that democracy was currently prevailing in Latin America, with the exception of the regrettable military coup d'état in Haiti. However, history had shown that democracy in Latin America had been no more than an interlude between two authoritarian periods. Latin American democracies were particularly fragile when they had to face the double challenge of implementing economic adjustment policies and combating violence. It was therefore necessary to continue strengthening

democracy by educating the authorities, promoting effective and civilized cooperation among institutions and teaching citizens that respect for human rights was the concern of all.

13. In conclusion, he expressed the hope that his own country would achieve justice and well-being, which could only be attained when democracy was deeply rooted and human rights were respected daily. Democracy existed in his country, with all the imperfections and weaknesses of Latin American democracies, but attempts were being made to destroy it not by a liberation movement but by an organization with totalitarian concepts and terrorist methods. That process produced situations which violated human rights. The lives of thousands of Peruvians were in danger, and the defence of democracy in Peru, which was also in danger, should inspire solidarity on the part of all those who cherished freedom and were convinced that without democracy and without peace there could be no human rights.

14. At the end of his term of office, he wished to express his appreciation and the gratitude of all Peruvians, his Government and the Latin American region to the members of the Commission for having conferred upon him the signal honour of presiding over the deliberations of the Commission on Human Rights. In executing the various mandates of his post, he had become very conscious of the need for the Commission and the importance of its work for the freedom of peoples, democracy and human rights. It was concerned with the essential components of the human condition, attributes which, in the last analysis, guaranteed the permanent validity of the humanist principle that man was always an end and never a means.

STATEMENT BY THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

15. Mr. MARTENSON (Under-Secretary-General for Human Rights) recalled that the forty-seventh session of the Commission had opened under the grim auspices of the Iraqi occupation of Kuwait with loss of lives, widespread human rights violations and devastating effects on the environment. The members of the Commission had also witnessed how force had replaced dialogue and reason in connection with attempts to establish fully democratic systems in various regions throughout the world.

16. Although many of the sombre clouds that had overshadowed the Commission's last session had been dispersed by new winds of hope and positive action, it was unfortunately still a time of serious and tragic conflict not least rooted in ethnic tensions. Basic human rights and freedoms were currently being violated in many places, which underscored the importance of the Commission's session and the responsibilities and challenges its members were facing in the interest of mankind.

17. It would be wrong, however, to open the deliberations on a pessimistic note. On the contrary, the Commission was facing a world of profound changes of unprecedented proportions fuelled by the deep desire of all peoples for respect for their human rights, for democratic government and for economic and social development. Essentially, the international community was witnessing what could be described as a worldwide human rights revolution, a peaceful revolution founded on deeply rooted sentiments and desires that, in many instances, had been too long suppressed and were sweeping as an irresistible

tidal wave over the world. Across the globe, people were increasingly claiming respect for their human rights and demanding democratic government as one means of ensuring protection for their rights. In that respect, each region had its own story of challenges, sacrifices and achievements, and there were different approaches founded on different cultural, social and religious systems. However, it once again underscored the fact that human rights were not the monopoly of any one culture, society or age.

18. In many instances, democratic Governments were replacing military dictatorships or totalitarian regimes. Political pluralism was advancing and democratic elections were taking place. Former dissidents had left their prisons, or had been freed from persecution, and were leading their countries; respect for human rights had come to the top of national and international agendas. At the same time, unprecedented reductions in arms had taken place in the wake of the end of the cold war, the fear of super-Power nuclear confrontation had receded and a multilateral approach to international problems increasingly prevailed. Cooperation rather than confrontation had become the keyword and there was an encouraging return to multilateralism and to the United Nations as the global, universal forum where all nations could together confront the enormous challenges facing mankind and try to find constructive and lasting solutions to conflicts and problems, not least those concerning human rights and fundamental freedoms.

19. In the "human rights revolution", the Commission, as the main organ for promoting and protecting those rights, had played a crucial role. As it opened its forty-eighth session, it faced unprecedented challenges and opportunities for continuing that ever more vital work. The membership of the Commission for the first time stood at 53, one less member than the Economic and Social Council. That expansion was a sign of growing interest and concern for human rights on a worldwide basis and he was convinced that that development would pave the way for a spirit of cooperation and common resolve.

20. The previous year, he had expressed the hope that the ending of the East-West ideological confrontation would not lead to a North-South split over human rights issues. He thus noted with great satisfaction the non-confrontational approach that the Member States had adopted at the recent session of the General Assembly and elsewhere. There was no North and no South when it came to human rights, as there was neither a West nor an East. The human rights standards of the United Nations responded to the aspirations of people all over the world, no matter where they lived.

21. The Commission, with its increased membership and active and constructive participation of observers from States, specialized agencies, intergovernmental organizations, and non-governmental organizations, constituted a unique universal forum for discussing human rights issues and for taking practical and constructive steps to solve the various problems in that crucial field. He took the opportunity to welcome the newly elected members and all the other participants and to pledge the Secretariat's full support in their endeavours.

22. Political changes were taking place at a dramatic speed and, in many instances, were accompanied by profound economic reorganization designed to give more space for human initiatives and scope for progress. Many factors

were interrelated and contemporary problems were immensely more complex than those of the past. Both internationally and nationally, awareness had grown of the close interdependence between peace and security, respect for human rights and economic and social development. Progress toward social justice was one of the key elements as the international community returned to the objective of "better standards of life in larger freedom", written into the Preamble of the Charter over 45 years previously.

23. In his statement to the General Assembly on 3 December 1991, the Secretary-General, Mr. Boutros-Ghali, had placed human rights high on the agenda and had said: "I wish to stress the United Nations role in strengthening the fundamental freedoms and democratic institutions which constitute an essential and indispensable stage in the economic and social development of nations. If there is no development without democracy there can also be no democracy without development".

24. That interrelationship of human rights, democracy and development was of growing importance throughout the United Nations system. The concept of good governance and its relationship to human rights, popular participation and democracy had also received extensive consideration by governmental and intergovernmental agencies for development cooperation. Clearly, good governance was understood to require the observance of norms regarding the promotion of fundamental human rights and the encouragement of institutional pluralism, including the existence and functioning of non-governmental organizations.

25. The new emphasis on participatory development also implied more democracy and respect for human rights - including an effective and accessible legal system so that the benefits of development could be extended within a framework of respect for human rights and fundamental freedoms. Sustainable development could occur only where individuals were allowed to operate in open and fair legal systems, devoid of arbitrariness. Pluralism, democracy and openness could help to create the necessary environment for accountability and transparency in public life.

26. Democracy was an essential element for the full enjoyment of the broad range of human rights and fundamental freedoms. The constituent elements of democracy were protected by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other international instruments. United Nations human rights instruments also protected a number of other human rights which must be enjoyed in order to make meaningful the various aspects of the right to take part in the government, including, for example, the right to freedom of opinion and expression, to peaceful assembly and association and to freedom of movement, as well as other fundamental rights such as that to life, liberty and security of person.

27. The time was ripe to explore on a broad basis the interrelationships between democracy and the other human rights contained in the Universal Declaration, and national and international action to promote and ensure them. The Commission might wish to consider requesting the Sub-Commission, in consultation with the treaty-based bodies, to undertake such a study.

28. Respect for human rights was an essential component of any search for common security. The members of the Commission had only to look at the world around them to be convinced that human rights violations all too often paved the way for inter-State tensions and, eventually, armed conflicts. Thus, protecting respect for human rights had become an integral part of United Nations peace-keeping and peace-making activities and United Nations peace-making operations currently contained explicit human rights elements. Thus, in El Salvador, the United Nations was to monitor respect for human rights by all sides within the country and, in Guatemala, the peace process supposed agreement on respect for human rights. The agreement on Cambodia also provided that international human rights would be guaranteed to the inhabitants of the country and the United Nations had undertaken a prime responsibility in that regard.

29. There was no doubt that the United Nations human rights programme had contributed and continued to contribute to improved respect for human rights throughout the world. Unfortunately, as the information submitted to the Commission showed, there was a tragic persistence of systematic and widespread violations of human rights. Torture, summary or arbitrary executions, disappearances and arbitrary detention were the lot of many human beings and peaceful calls for change were all too often still met by violent repression. Many lives were ended or stunted by starvation or through the lack of the basic necessities of life. Education was unavailable to millions and, in some areas, freedom of opinion and expression were denied and individuals were persecuted for their beliefs.

30. The disturbing rise in prejudice, discrimination and even open violence against persons because of their race, colour, religion and origin was causing growing concern throughout the world. Migrant workers, members of minority groups, Gypsies, refugees and asylum-seekers, among others, were subjected to persecution, and the evil of anti-Semitism, which had had such tragic consequences in the current century, was reappearing with increased force in many places. Such racism was becoming progressively more aggressive and violent and posed a real threat to civilized society.

31. The Commission should turn its attention to finding effective ways of dealing, on the national and international levels, with that phenomenon. The proposed Third Decade against Racism might be a vehicle for new initiatives. He had made a number of suggestions to the Committee on the Elimination of Racial Discrimination and the Sub-Commission, and the Commission might wish to support a broad action-oriented consultation on the elements for the programme of the Third Decade.

32. That sombre picture was not an exhaustive list of current human rights violations in the world, but it might make it possible to appreciate the challenges facing the international community in general, and the Commission in particular, in the task of promoting and protecting human rights.

33. In that context, he drew attention to the question of the safety and security of the staff of the United Nations. At the time the Commission was meeting, over 100 staff members were in detention or imprisoned.

The Secretary-General intended to do his utmost to work for their release and it was to be hoped that the Commission would consider firm action to deal with that issue.

34. One problem of major importance was how the international community could work more effectively to prevent or cure massive and systematic violations of human rights. The former Secretary-General, Mr. Pérez de Cuéllar, in his report on the work of the Organization for 1991, had clearly raised the issue, noting that the United Nations had often been a helpless witness rather than an effective agent for checking massive and systematic human wrongs. He had stated that the protection of human rights "now involves a more concerted exertion of international influence and pressure through timely appeal, admonition, remonstrance or condemnation and, in the last resort, an appropriate United Nations presence". In various parts of the world, the United Nations was gaining experience in that area on which it could build.

35. In approaching that problem from a human rights perspective, the Commission should seek to build on the existing wealth of information available within the United Nations human rights system. One method would be for the Secretariat to be given a mandate to analyse the information regarding human rights and, on that basis, to identify emerging problems, seek out ways to establish a constructive dialogue among those directly concerned and propose appropriate action to United Nations policy-making bodies.

36. The challenge of finding ways for different ethnic groups to live together peacefully was important for the achievement of peace and security as well as respect for human rights. A number of United Nations human rights instruments set out standards for respecting the rights of minorities and the Commission had before it a draft declaration prepared by its Working Group. He believed that those standards were of significant value for the prevention and possible resolution of conflicts arising from ethnic tensions.

37. In that context, consideration might be given to setting up a working group or appointing a special rapporteur on minorities to assist in identifying problems, promoting dialogue and finding solutions. That would also contribute to conflict prevention. Following the pattern of existing working groups or special rapporteurs, the one on minorities could receive information from a wide range of sources, help establish dialogues on specific problems and carry out fact-finding missions. As was well known, reports submitted to the Commission by such bodies often stimulated the attention of the media and public opinion and led to action by national and international bodies.

38. Promoting democracy and strengthening democratic institutions was currently an essential aim of the United Nations overall human rights programme and it had been given particular importance in the technical cooperation activities of the Centre for Human Rights. The programme - to which he had given high priority - provided assistance to Governments at their request in many areas, including expert help with democratic elections, constitutional law, drafting national legislation affecting human rights and

the setting up of national human rights institutions. Training and education were provided to administrators of justice, judges, lawyers, prison officials, police, the military and other public officials; in the last three years, more than 3,000 individuals in all regions of the world had been so trained.

39. As the deep movement towards democracy swept over much of the world, the Centre had moved swiftly to provide assistance in the transition to democracy, in consolidating democratic gains and in helping to lay solid human rights foundations for the future. In Eastern and Central Europe, it had begun its activities in Moscow in 1988, and they had continued in Moscow in 1989, in 1990 in Kiev, and in 1991 again in Moscow. It had provided expert assistance to Albania and Romania regarding elections and to Bulgaria and Romania in respect of constitutional law. In September 1991, it had organized a seminar for the judges of the Romanian supreme court and a briefing for Romanian non-governmental organizations. It had reached agreement with Bulgaria, Poland and Romania on long-term programmes of assistance and was developing such programmes with the Czech and Slovak Republic, Ukraine and the Russian Federation.

40. In Africa, the Centre for Human Rights actively supported the African Commission on Human and Peoples' Rights, the independent African Centre for Democracy and Human Rights Studies in Banjul and the Arab Institute for Human Rights in Tunis. In addition, training and information programmes had been organized in a number of countries and the Centre was currently discussing with the Government of Namibia a programme aimed at strengthening the human rights infrastructures in that country. It was assisting the Government of Lesotho with the legal and technical aspect of democratic elections scheduled to be held in that country later in 1992. Technical cooperation programmes for human rights were being discussed with a number of African countries at their request, including Cameroon, Côte d'Ivoire and Swaziland. Furthermore, as a contribution to the positive evolution of the situation in South Africa, the Centre and the World Council of Churches had organized, in June 1991 at Geneva, a seminar for specialists from a wide spectrum of South African society to discuss international human rights norms and constitutional law.

41. In Latin America, the Centre had ongoing country programmes to strengthen human rights infrastructures. It had organized training courses or workshops for the region or provided other assistance to Argentina, Brazil, Chile, Jamaica, Paraguay, Peru, Uruguay and Venezuela. Discussions were currently under way with Governments and the Organization of American States with a view to establishing human rights centres for documentation and training in Central and South America.

42. In Asia, the Centre had assisted the Government of Mongolia in drafting its new Constitution, arranged the translation into Mongolian of basic human rights instruments and organized a training course on international human rights standards in that country. The Centre had also been active in the Philippines, Indonesia and India in connection with specific programmes of cooperation in the area of training and institution-building for human rights.

43. Thus, the advisory services and technical assistance programme represented a vital part of the Centre's activity. He wished to stress, however, that the programme complemented the existing monitoring and investigation procedures and could never provide an excuse for not investigating or examining reports of human rights violations in any State.

44. The report on advisory services and technical assistance showed the exponential increase in the programme's activities and the growth in the number of subjects tackled. The introduction of agreed country programmes had enabled the Centre to adopt a coordinated and comprehensive approach. In the past few months, many countries had achieved independence and were seeking to establish human rights and democratic regimes, and others, already independent, were moving towards democracy.

45. Ensuring democracy and enjoyment of human rights in those countries was of the utmost importance for the future peace, security and human rights of all the members of the international community. It was also clear that the long-term benefits of development aid in the economic and social sectors would be greatly enhanced if democracy and ensuring respect for human rights were successful.

46. He appealed to all States that were able to do so to provide increased resources for building democratic institutions and protecting human rights. One way would be to increase contributions to the Voluntary Fund for Technical Cooperation in the Field of Human Rights. Indeed, helping to create strong and lasting infrastructures for human rights was an essential element of the international community's effort to promote and protect fundamental rights and freedoms everywhere.

47. Information on the human rights situation in many parts of the world was increasingly available on television, radio and in the press and that could often lead public opinion to demand effective action. Similarly, information on what human rights were and how they could be protected was an essential element in improving protection for those rights. Not only must people be aware of their rights in order to claim them, but long-term human rights policy must also rest on a firm foundation of public support. Thus, he had given priority to strengthening efforts to provide up-to-date information in appropriate forms to the general public and those professionally interested in human rights. In that regard, the General Assembly, at the Centre's suggestion, had launched a World Public Information Campaign for Human Rights under which a wide range of activities had been developed, aimed at building up a universal culture of human rights.

48. Special importance was attached to distributing basic information materials on human rights, translating basic human rights documents into local languages and ensuring their wide distribution. The Commission would have before it a report on that subject which would provide detailed information on publications and on the many other activities, including human rights exhibits, aimed at providing information on human rights and what the United Nations was doing to protect them.

49. Increasing consideration was currently being given to ways and means of consolidating the Organization's achievements in human rights and dealing with tomorrow's challenges. An important framework for reflection was the preparatory process for the World Conference on Human Rights. In 1989, in the light of the momentous changes taking place in international affairs, democracy and human rights, he had suggested to the General Assembly the holding of a World Conference on Human Rights, and the Assembly had decided to convene the World Conference in 1993 in the City of Berlin, following a generous invitation by the Government of Germany.

50. The objectives of the Conference were to review and assess the progress made in human rights since the adoption of the Universal Declaration, to identify obstacles to progress and how they might be overcome, to examine ways to improve the implementation of human rights and to make concrete recommendations for improving the effectiveness of United Nations activities and mechanisms and securing the resources needed to that end. An important element was the examination of the relationship between development and the enjoyment of all human rights and creating the conditions necessary for the enjoyment of all those rights.

51. The World Conference was a process of reaffirmation and strengthening of human rights. International standards should be reaffirmed, universal ratification of human rights instruments emphasized, and ways and means sought of improving national and international protection of human rights. In that connection, the members of the Commission were aware of the importance of the holistic approach, dealing with the whole interconnected range of human rights for individuals in the concrete situations in which they lived. The ultimate goal of the World Conference process was the recognition of the paramount importance and transcendental character of human rights as a step towards achieving a universal culture of human rights. It should be an action-oriented Conference, not duplicating the debates of the Commission and other human rights forums but rather establishing the principles for future action in a constructive, non-confrontational and cooperative spirit.

52. The agenda for the session offered broad scope for consolidating and strengthening existing structures and procedures. In particular, ways could be sought to reinforce the link between the treaty bodies and the Commission, the Sub-Commission and their working groups, special rapporteurs and standard-setting activities. The Committees might have much valuable expertise to contribute to the work of the other bodies, and vice versa. In addition, the effectiveness of the work of thematic working groups and special rapporteurs might be enhanced by bringing them together to seek solutions to common problems, since the topics they dealt with separately were often closely interconnected. Such a meeting could also make a valuable contribution to the World Conference on Human Rights.

53. Consideration might also be given to increasing the impact of the work of the Commission itself, since it was the only forum in the world where Governments, specialized agencies and non-governmental organizations freely debated the whole range of human rights problems and issues. Steps might be taken to strengthen cooperation between the relevant regional organizations and the Commission.

54. For its part, the Centre for Human Rights worked in close coordination with specialized agencies and regional organizations such as the Council of Europe, the Organization of American States and the Organization of African Unity. At a recent conference in Barcelona, organized by the Centre for Human Rights and attended by the participating States of the Conference on Security and Cooperation in Europe, he had been able to make some suggestions on strengthening links with the CSCE.

55. Many other themes before the Commission at its current session would merit close attention, such as the rights of vulnerable groups, including children, the extremely poor, the internally displaced, migrant workers, and women. Ways and means of dealing effectively with the needs and aspirations of those groups should be considered.

56. Non-governmental organizations made indispensable contributions to all areas of the Commission's activity, and priority had been given to strengthening relations with those organizations. Constructive and well-informed participation by non-governmental organizations was, and would continue to be, an essential element in ensuring the success of the Commission's programme.

57. In carrying out its various mandates and in servicing the treaty-based bodies, the Centre for Human Rights was confronted daily with a growing disparity between its ever-increasing workload and the resources actually made available to it. In the period 1985-1990, the workload had dramatically increased: documentation had increased by 44 per cent, the number of meetings serviced by 84 per cent, the treaty bodies serviced by 50 per cent, the communications processed by 250 per cent and advisory services and technical assistance by 900 per cent. Over the previous six years, the mandates serviced in the field of special procedures had increased by 150 per cent and the number of missions per year by over 300 per cent. In that regard, there had been a dramatic increase in the number of individual cases analysed (40,000 in 1990-1991) and in those transmitted to Governments (more than 11,000 in 1991). He wished to draw particular attention to the backlog of cases submitted to the Working Group on Enforced or Involuntary Disappearances, which currently stood at some 14,000 cases. The only decline in that period had been in the number of permanent professional posts available, which had fallen from 48 in 1982-1983 to 47 in 1990-1991.

58. At its most recent session, the General Assembly had made some very welcome decisions regarding the Centre's resources. Unfortunately, in real terms the Centre would find itself with approximately the same resources as in 1985, before the general reductions in United Nations staff. The question of adequate resources was thus a matter of the utmost importance. While the Centre would not relinquish its duties when new mandates and procedures were entrusted to it by the Commission, the Economic and Social Council or the General Assembly, Governments should take the necessary steps to ensure the effective availability of resources, since it was no longer possible to accept new mandates with the proviso that they could be financed from existing resources.

59. In conclusion, he said he was confident that, with the new international atmosphere of cooperation and support for human rights, the Commission would, at its current session, make major strides towards an effective protection of human rights. It owed that commitment to the many millions of men, women and children all over the world who were the beneficiaries of its work and for whom its endeavours were of vital importance. It faced an enormous responsibility and a global challenge, which should not be watered down by rhetoric or political differences and which called for constructive cooperation. In that important endeavour, the Centre for Human Rights pledged its full support.

ELECTION OF OFFICERS (item 1 of the provisional agenda)

60. The TEMPORARY CHAIRMAN said that, in accordance with rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission would proceed to elect its Chairman and other officers for its forty-eighth session.

61. Mr. Solt (Hungary) was elected Chairman by acclamation.

62. Mr. Solt (Hungary) took the Chair.

63. Mr. Walker (Australia), Mr. Ennaceur (Tunisia) and Mr. Nasseri (Islamic Republic of Iran) were elected Vice-Chairmen by acclamation.

64. Mrs. Galvis (Colombia) was elected Rapporteur by acclamation.

65. The CHAIRMAN thanked the members for the honour they had done his country by electing him Chairman of the Commission at its forty-eighth session, a gesture which constituted appreciation of the multiparty democracy that had emerged in Hungary following free elections.

66. The word "human" in the expression "human rights" clearly proclaimed that those rights were not subject to success in a particular test nor reserved for those with particular qualities. The rights of every human being, however unworthy, should be unconditionally respected.

67. Recent developments in international relations and the far-reaching changes in the political landscape in Europe and throughout the world gave a new topicality to the subject of human rights, which had ceased to be a subsidiary issue in the international debate and had become a subject of major concern. The political freedom acquired by the countries of Central and Eastern Europe had put an end to the European and world order which had emerged from the Second World War and which had been the source of 50 years of ideological confrontation. It was to be hoped that new international relations would replace the old rivalries and that the discussions on human rights problems would gradually become less rooted in ideological antagonisms.

68. Hungary attached vital importance to the question of respect for human rights and cherished the ideal of a free man in a free world. All victims of human rights violations, without exception, deserved attention, for behind

each victim lay a tragedy. The international community must show solidarity with the victims of human rights violations and call the guilty to account. To do otherwise would be to fail in its duty.

69. The Hungarian authorities, which had ratified a very large number of international human rights instruments, recognized the competence of all the United Nations bodies whose task it was to look into violations of human rights, including in Hungarian territory, and were currently preparing legislation to promote greater respect for those rights. Work was in progress to incorporate into national laws and practices the principles set forth in international human rights instruments. Some 90 per cent of the Hungarian Constitution of 1949 had already been amended and the current Constitution contained a comprehensive listing of civil and political, economic, social and cultural rights, in keeping with the relevant international instruments. A constitutional court - which had already abolished the death sentence - exercised effective control over legal standards and fundamental rights.

70. His Government shared the view expressed by the Secretary-General in his report to the General Assembly (A/46/1) that: "It is now increasingly felt that the principle of non-interference with the essential domestic jurisdiction of States cannot be regarded as a protective barrier behind which human rights could be massively or systematically violated with impunity." It would thus firmly oppose those who sheltered behind the principle of non-interference and refused to heed appeals to the international community concerning respect for human rights, since violations of universally recognized rights could not be regarded as the domestic affairs of States.

71. The application of the principles of the Charter, particularly articles 55 and 56, did not constitute undue interference in the internal affairs of a given State but rather a right and a moral obligation of the international community. Such intervention was all the more justified in that respect for human rights was one of the key factors in the maintenance of peace in the world. In certain cases, United Nations peace-keeping operations could also play a new role by helping to monitor respect for human rights. Current events demonstrated that the persistent and systematic violation of fundamental rights gave rise to conflicts which quickly transcended the limited theatre in which they originated. The subject of human rights had become a crucial element in the dialogue and cooperation between countries.

72. Hungary welcomed the increasing importance currently being attached to the question of the protection of minorities, and in particular the signature of the Charter of Paris, whereby the rights of minorities had been recognized as universal human rights, and the adoption - for the first time in 43 years - of a General Assembly resolution on the protection of minorities.

73. Greater advantage should be taken of the rich contribution of minorities to contemporary societies and the rights and identities of such groups should be protected by international guarantees. Such institutionalized protection would no doubt give fresh impetus to international cooperation and would promote confidence-building in inter-State relations.

74. The United Nations, and particularly the Commission on Human Rights, the Centre for Human Rights and the Third Committee of the General Assembly, had an essential role to play in ensuring the universal and effective observance of human rights. The work of the Organization had benefited from the recent improvement in the international climate. Questions that had previously been examined from a purely ideolological perspective were currently being approached in a more pragmatic and comprehensive way. Accordingly, it had become accepted that the question of human rights concerned all States, large and small, developed or developing. The defence of human rights was no longer the prerogative of certain countries or of a certain area of the world, but rather a universal concern. The ideas of justice and responsibility were the foundation of the legitimacy of the State vis-à-vis its citizens.

75. The key role of the United Nations, and in particular of the Commission on Human Rights, in the protection of human rights and fundamental freedoms should be strengthened. His Government welcomed the decision of the General Assembly, by its resolution 45/155, to convene at a high level a World Conference on Human Rights in 1993 and intended to take an active part in the preparations for the Conference, which would provide Member States with an opportunity to renew their commitment to the universal promotion of human rights and fundamental freedoms. The Conference should pay particular attention to the equal importance and indivisibility of all categories of human rights and to the interdependence between human rights, democracy and development.

76. The achievements of the Commission, after nearly 50 years of work, had been quite considerable. In addition to setting standards for human rights, it had also brought about a broad international consensus that human rights were not only a good thing in themselves but were directly linked to political stability and prosperity.

77. Over the years, the Commission had helped to promote a greater understanding of the place of human rights in international affairs and had established the fundamental principle of the universality of the human rights standards adopted by the United Nations. It had also pointed out the existence of a close relationship between development and human rights on the one hand and between civil and political rights and economic, social and cultural rights on the other for, if it was true that underdevelopment and the scarcity of resources could constitute obstacles to the enjoyment of human rights, it was also undeniable that the failure to observe the principles relating to those fundamental rights retarded development. Human rights and the principle of the free and effective participation of all in political, social, economic and cultural development should be an integral part of the process of development and should be taken into account in all United Nations development programmes.

78. Non-governmental organizations were also making an invaluable contribution to the defence of human rights and often had a more accurate perception of situations than even the best intentioned political authorities. The more active among them never gave Governments any rest and both the Commission and the States owed them a great debt.

79. The current session was all the more important as human rights and fundamental freedoms were currently threatened in many areas throughout the world. The collapse of the Soviet Union and of the so-called socialist bloc in Eastern Europe and the crisis in Yugoslavia had been and still were a tragic source of violations of human rights and of humanitarian law. Armed conflicts had tragic consequences in terms of lost lives, suffering, and human rights violations, despite all the efforts made at the international level to safeguard peace and to ensure respect for the fundamental principles of the Charter.

80. Despite the collapse of certain ideological barriers, discrimination and racial intolerance, along with appeals to hatred for racial, religious and other reasons, had become more widespread. Moreover, there were daily reports of massacres, torture, disappearances and human rights violations of all kinds. The benefits of the fundamental principles set forth in the Universal Declaration of Human Rights were still denied to millions of human beings. The main challenge facing the international community, and the Commission in particular, was to improve that situation.

81. It was to be hoped that the Commission's forty-eighth session would, like the previous one, fully accomplish its mission and achieve concrete and satisfactory results. He would do his utmost to ensure that it did so.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (E/CN.4/1992/1 and Add.1 and Add.1/Corr.1)

82. The CHAIRMAN invited the Commission to consider the provisional agenda, which had been prepared in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council. If he heard no objection, he would take it that the Commission wished to adopt that agenda.

83. It was so decided.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3)

84. Mr. SENE (Senegal), having congratulated the Chairman and other officers on their election, said that his delegation hoped that the 44 sessional documents that had not yet been distributed would soon be made available to the Commission in all its working languages.

The meeting rose at 1.05 p.m.